

9-620. Probation violation, judgment, and sentence.

[For use with Magistrate Court Rule 6-802 NMRA
and Municipal Court Rule 8-802 NMRA]

STATE OF NEW MEXICO

[COUNTY OF _____]

[CITY OF _____]

_____ COURT

[STATE OF NEW MEXICO]

[COUNTY OF _____]

[CITY OF _____]

v.

No. _____

_____, Defendant.

PROBATION VIOLATION, JUDGMENT, AND SENTENCE

This matter came before the court on _____ (*date*), on an allegation that Defendant violated probation. Defendant appeared in person and with counsel, _____ (*name of counsel*). The prosecution was represented by _____ (*name and title*).

[] Defendant having denied the probation violation and a hearing having been held,

[] Defendant having admitted the probation violation,

the Court **FINDS** that Defendant violated probation.

It is hereby ORDERED, ADJUDGED AND DECREED that Defendant's probation is revoked and the following sentence is imposed:

Count 1: _____ (*name of count*) _____ days in _____ detention center, _____ days suspended. _____ days to serve in the _____ County Detention Center. Credit for _____ days served in jail and _____ days served on probation. _____ days remaining to serve in the _____ County Detention Center to begin on _____ (*date*). Defendant to pay _____ in fines. _____ amount suspended. _____ days [supervised] [unsupervised] probation to begin on _____ (*date*).

Such sentence is to run [] consecutively [] concurrently.

Count 2: _____ (*name of count*) _____ days in _____ detention center, _____ days suspended. _____ days to serve in the _____ County Detention Center. Credit for _____ days served in jail and _____ days served on probation. _____ days remaining to serve

in the _____ County Detention Center to begin on _____ (date). Defendant to pay _____ in fines. _____ amount suspended. _____ days [supervised] [unsupervised] probation to begin on _____ (date).

Such sentence is to run ☐ consecutively ☐ concurrently.

Count 3: _____ (name of count) _____ days in _____ detention center, _____ days suspended. _____ days to serve in the _____ County Detention Center. Credit for _____ days served in jail and _____ days served on probation. _____ days remaining to serve in the _____ County Detention Center to begin on _____ (date). Defendant to pay _____ in fines. _____ amount suspended. _____ days [supervised] [unsupervised] probation to begin on _____ (date).

Such sentence is to run ☐ consecutively ☐ concurrently.

It is hereby ORDERED, ADJUDGED AND DECREED that

☐ Defendant is to report to the _____ DETENTION CENTER at _____, _____ (location), no later than _____ (date), to serve _____ days.

☐ Work release is authorized.

☐ This sentence shall be served on weekends.

☐ Defendant is to pay a one-hundred dollar (\$100.00) bench warrant fee. Defendant is now ordered to pay _____ in fines and _____ in fees. Defendant shall receive credit for _____ already paid.

All provisions of the original judgment and sentence not specifically modified herein remain in effect.

Defendant is placed on _____ days [supervised] [unsupervised] probation to begin on _____ (date), with conditions as specified in the attached **Standard Order of Probation Conditions** in effect in the _____ court, which is specifically incorporated herein, and special conditions as follows:

☐ IT IS FURTHER ORDERED THAT Defendant's cash bond is to be

☐ returned to Defendant.

☐ applied to the payment of court costs, court fees, and fines.

☐ Defendant IS HEREBY ORDERED to report to probation services as follows:

☐ _____ DWI Compliance Program, _____ (address), _____ (city), New Mexico, _____ (telephone number) with proof of enrollment to the Court no later than _____ (date).

☐ Adult probation service no later than _____ (date).

[] _____ county misdemeanor compliance service no later than
_____ (date).

IT IS ORDERED that a copy of this judgment and commitment be delivered to the
_____ **Detention Center**, and that this copy be the order of commitment of
Defendant.

FAILURE TO COMPLY

FAILURE TO REPORT, COMPLY WITH CONDITIONS OF PROBATION, OR PAY
COSTS OR FINES WILL RESULT IN A BENCH WARRANT FOR DEFENDANT'S ARREST.

APPEAL

Defendant is hereby advised that this Order and Amended Sentence may be appealed to the district court by filing a notice of appeal in the district court within fifteen (15) days from the date of entry of this Judgment and Sentence. In accordance with Supreme Court Rule 6-802 NMRA, "the only issue the district court will address on appeal will be the propriety of the revocation of probation. The district court shall not modify the sentence of the magistrate court." Defendant is further advised that if Defendant appeals, Defendant must obtain a hearing date before the district court within six (6) months of the date of the filing of the notice of appeal. If Defendant's case is not heard by the district court within six (6) months, Defendant's appeal will be dismissed and this conviction will be affirmed.

OTHER CONDITIONS OF RELEASE

If Defendant files a notice of appeal, the following additional conditions of release are hereby
approved pending appeal to the District Court: _____

Appeal bond is set at \$_____.

Judge

[As adopted by Supreme Court Order No. 09-8300-037, effective November 16, 2009.]